

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

FRED HANEY, MARSHA MERRILL ) Civil Action No.  
SYLVIA RAUSCH STEPHEN )  
SWENSON, and, ALAN WOOTEN, ) 3:22-cv-00055-REP  
individually and on behalf of all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
GENWORTH LIFE INSURANCE )  
COMPANY and GENWORTH LIFE )  
INSURANCE COMPANY OF NEW )  
YORK, )  
 )  
Defendants. )

## DECLARATION OF BENJAMIN J. VERNIA

1. My name is Benjamin J. Vernia.
2. I am an attorney and the founding partner of The Vernia Law Firm. I represent the Objectors William and Linda Dudley, Doug and Bonnie Ebstyne, Dr. David Friedman, James Perry, Michael Dudley, and Thomas Toman in the above-captioned matter.
3. I graduated from the University of Michigan in 1984 and Vanderbilt University School of Law in 1992 (Order of the Coif, and Senior Managing Editor on the Vanderbilt Law Review). From 1992 to 1993, I was a Judicial Law Clerk to the late Hon. Thomas A. Wiseman, Jr., U.S. District Judge in the Middle District of Tennessee.
4. I joined the bar of the State of Michigan in 1992 and the District of Columbia in 1994. I am also a member of the bars of the U.S. District Court for the District of Columbia, Court

of Federal Claims, the U.S. Courts of Appeal for the D.C., Fourth, Fifth, and Sixth Circuits, and the U.S. Supreme Court.

5. Attached is a resumé that details my legal career and experience. Briefly, for eleven years, I served as both a civil trial attorney and federal prosecutor in the Department of Justice. As a prosecutor, I helped bring down an international ring of hundreds of commercial child pornography websites, which also resulted in thousands of arrests worldwide of the enterprise's customers. During my tenure, among other awards, the Department awarded me its John Marshall Award, and I also received the National Center for Missing and Exploited Children's Exploited Children's Award for my work on that case.

6. After four years as Special Counsel at Covington & Burling, LLP, where I specialized in the defense of complex civil fraud investigations and civil suits, I founded my own firm. At The Vernia Law Firm, we handle a diverse array of matters, predominantly complex civil and criminal cases involving allegations of fraud. Among other significant matters, we served as lead counsel in the largest Social Security Disability program fraud case in history: *United States ex rel. Griffith, et al., v. Conn, et al.*, No. 7:11-CV-157 (E.D.Ky.). The case involved thousands of claimants, a half billion dollars of loss to the Government, and was retold this year in a documentary television series on Apple TV+, titled *The Big Conn*. In 2017-2018, my Associate, Andrew Murray, and I tried to verdict a four-month criminal wire fraud case, *United States v. Hazelwood, et al.*, No. 3:16-CR-00020 (E.D.Tenn.), and then obtained a reversal of our client's conviction at the Sixth Circuit. *United States v. Hazelwood*, 979 F.3d 398 (6th Cir. 2020), reh'g denied (Dec. 30, 2020).

7. All of the civil cases for which we have had a claim on our opponent for fees have resulted in settlements of those amounts. My hourly rate of \$700.00, and Mr. Murray's hourly rate of \$350.00, are our current standard rates, and we have charged them on other matters in the past.

8. The entries for my time on Exhibit B are true and correct, and total 173.5 hours at an hourly rate of \$700, for an individual lodestar of \$121,450.00.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, formed after a reasonable inquiry under the circumstances.

Dated: December 2, 2022

A handwritten signature in black ink, appearing to read 'Benjamin J. Vernia', is written over a horizontal line.

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Benjamin J. Vernia (D.C. Bar No. 441287)

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Plaintiffs, )  
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GENWORTH LIFE INSURANCE )  
COMPANY and GENWORTH LIFE )  
INSURANCE COMPANY OF NEW )  
YORK, )  
 )  
Defendants. )

## DECLARATION OF ANDREW K. MURRAY

1. My name is Andrew K. Murray.
2. I am an attorney employed by the Vernia Law Firm in Washington, D.C. I represent the Objectors, Dr. David Friedman, James Perry, Thomas Toman, Michael Podoll, Doug and Bonnie Ebstyne, and William and Linda Dudley in the above-captioned matter.
3. I joined the Bar of the State of Tennessee in 2016 (No. 035423). I was admitted to the District of Columbia bar in 2018. I am also a member of the bar for the U.S. District Court for the Eastern District of Tennessee.
4. I graduated from Western Kentucky University in 2009 and from Vanderbilt Law School in 2016, where I participated in the Law and Business Program. Upon graduation, I began my legal career with The Vernia Law Firm where I continue to practice. During my time with the firm, I have represented individual and corporate clients in complex civil litigation, internal corporate investigations, and criminal defense matters.

5. I have assisted Ben Vernia, as co-counsel, during his participation in this matter.

6. The entries for my time on Exhibit B are true and correct, and total 6.0 hours of work at an hourly rate of \$350.00, resulting in an individual Lodestar of \$2,100.00.

7. The fee rate described above is in keeping with current market rates. The services provided were necessary and reasonable to represent the clients' interests in the present matter.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, formed after a reasonable inquiry under the circumstances.

Dated: December 2, 2022

A handwritten signature in dark ink, appearing to read "Andrew Murray", written in a cursive style.

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Andrew K. Murray

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YORK, )  
 )  
Defendants. )

## DECLARATION OF TIMOTHY R. CLINTON

1. My name is Timothy R. Clinton.
2. I am an attorney and the founding partner of the law firm Clinton & Peed. I represent the Objectors Dr. David Friedman, James Perry, Thomas Toman, Michael Podoll, Doug and Bonnie Ebstyne, and William and Linda Dudley in the above-captioned matter.
3. I joined the bar of the Commonwealth of Virginia in 2005 (VSB No. 70902) and the District of Columbia in 2006. I am also a member of the bars of the U.S. District Courts for the Eastern District of Virginia, Western District of Columbia, the District of Columbia, and the District of Maryland, the U.S. Bankruptcy Courts for the District of Columbia and the District of Maryland, as well as the U.S. Courts of Appeal for the D.C. Circuit, Fifth Circuit, and Sixth Circuit. I graduated from Harvard University with honors in 2000 and the University of Virginia School of Law in 2005 (Order of the Coif, Articles Editor on the managing board of the Virginia Law Review). I also graduated from the National Trial Advocacy College in Charlottesville, Virginia.

4. I began my legal career at Covington & Burling, where I worked closely with, and was mentored by, then-future United States Attorney General Eric Holder, and former Solicitor of the United States Department of Labor Thomas S. Williamson, Jr., as well as my co-counsel in this case, Benjamin Vernia, on a number of complex civil cases around the country. After a brief stint as general counsel to a high-profile real estate development fund owned by two former NBA players, where I coordinated outside counsel from firms such as McGuireWoods and King & Spaulding and oversaw their interests relating to two professional sports clubs, I opened a solo practice in the wake of the rapid cooling of the commercial real estate market in early 2008. The firm has grown to now include two other partners (Matthew Peed, who came to the firm from Williams & Connolly, and Alec Rosenberg, my senior associate mentor while at Covington & Burling who later became a partner at Arent Fox LLP), as well as two Of Counsel, an Associate, and a Staff Attorney.

5. Over the course of my career, I have worked on a number of high-stakes, high-profile, complex, and novel cases, typically as either lead counsel or second chair working closely with one of my partners. For example, as a second-year associate working under the supervision of Eric Holder, I was the principal drafter of the successful Brief of Appellee, *Brown v. Miller*, 2007 WL 5196323 (5th Cir. Filed Feb. 27, 2007) that resulted in the seminal Fifth Circuit civil rights opinion *Brown v. Miller*, 519 F.3d 231 (5th Cir. 2008) (favorably cited in over 200 opinions). In a related state-court proceeding, I successfully briefed and argued (against Louisiana's then-Deputy Attorney General) the state's first ever compensation award for an inmate recently exonerated by DNA evidence. A few months later, working under the supervision of Thomas S. Williamson, Jr., I was the principal drafter of the successful summary judgment motion in an employment-related civil-rights claim against Georgetown Day School in Washington, DC.



*Killian v. Georgetown Day Sch.*, No. CIV.A. 05-1925(EGS), 2007 WL 1541391, at \*1 (D.D.C. May 24, 2007).

6. Also by way of example, I second-chaired (with my partner Matthew Peed as lead counsel) two particularly high-stakes and high-profile criminal defense matters. From 2010 through 2013, Mr. Peed and I represented the former Director-General of Education for Somaliland, Ali Mohamed Ali, against the first universal jurisdiction charge for high-seas piracy since the early 1800s. If convicted, the charges carried a mandatory life sentence. At one point during the case, Judge Ellen Huvelle of the U.S. District Court for the District of Columbia called the Chief of the National Security Section of the D.C. U.S. Attorney's Office to the podium to dress him and his office down for what she called "unbelievably inexcusable behavior" uncovered by me and my colleagues. See ABA Journal, Federal Judge Blasts US Prosecutors for "Unbelievably Inexcusable Behavior" in Somali Piracy Case (July 23, 2012), available at <https://bit.ly/3e5jvl6>. At the close of that trial (which resulted in full acquittal), Judge Huvelle specifically praised me and my colleagues for embodying "the highest ideals of the profession." More recently, a U.S. District Judge for the District of Columbia specifically recommended that my firm be asked to represent defendant Mustafa Al-Imam in the second conspiracy trial relating to the September 2012 attacks on the U.S. Special Mission in Benghazi due to its complexity, and I served as second chair on that matter through a multi-week trial in the summer of 2019.

7. In addition, from approximately 2013 through 2018, I represented Eric Inselberg in two high-profile lawsuits before trial courts in New Jersey styled *Inselberg v. New York Football Giants, Inc. et al.*, Civ. No. BER-K0975-14 (N.J. Bergen County filed Jan. 29, 2014) (a matter alleging civil RICO, consumer-fraud, and numerous business torts against the New York Giants, Eli Manning, and others) and *Inselberg v. Bisignano et al.*, Civ. No. HUD-L-4954-15 (N.J. Hudson

County, filed Dec. 4, 2015) (a complex patent licensing and U.C.C./fiduciary duty case). In around 2014 and 2015, I was lead counsel on behalf of the 50% owners of a corporation worth over \$100 million involving a number of complex disputes relating to deadlock, breach of fiduciary duty, diversion of corporate opportunities, breach of the duty of loyalty, corporate waste, unjust enrichment, and requests for an accounting and the appointment of a receiver or custodian. After a successful bench trial in which I served as lead counsel, the matter settled favorably.

8. Although most of my cases are before courts in the District of Columbia, I have appeared in approximately 20 matters before the U.S. District Court for the Eastern District of Virginia since 2006, including *Singh v. Cherry*, No. 1:06-V-1067 (E.D. Va. filed Sept. 19, 2006); *Reed v. Washington Gas Light Co.*, No. 1:10-cv-223 (E.D. Va. filed Oct. 2, 2009); *Eddine v. Dulles Expo, LLC*, No. 1:10-cv-840 (E.D. Va. filed July 10, 2010); *Chase v. Fed. Bureau of Prisons*, No. 3:18-cv-364 (E.D. Va. filed May 25, 2018); and *McKoy v. Lankford*, No. 1:22-cv-604 (E.D. Va. filed May 25, 2022).

9. The majority of my civil cases have resulted in settlements that do not involve judicial review or fee-shifting. The most recent judicial ruling I currently recall on the reasonableness of my legal fees is from 2017, in which Judge Kollar-Kotelly confirmed an arbitration award issued in 2016 that included over \$370,000 in attorneys' fees at an hourly rate of \$525 per hour. *Ray v. Chafetz*, 236 F. Supp. 3d 66, 81–82 (D.D.C. 2017) (noting the fee award was appropriately “based on ‘the experience and professional expertise demonstrated by [me and my colleagues] . . . [and] that the fees regularly charged by [me and my colleagues], based on their expertise, education, experience and standing in the legal community, warrants the assessment of such fees.’”) (quoting the arbitration fee award). The underlying matter was a complex law firm dissolution case involving related lawsuits filed in North Carolina and the District of Columbia,

including an involuntary bankruptcy petition before the U.S. Bankruptcy Court for the District of Columbia (which I resolved in favor of my clients on summary judgment) and an arbitration.

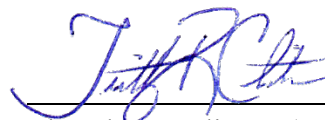
10. The American Arab Anti-Discrimination Committee named me its “Pro Bono Attorney of the Year” in 2006. The American Society of Legal Advocates recognized me as being among the “Top 40 Under 40” among criminal defense attorneys in the District of Columbia for 2014 and 2015, and among the “Top 40 Under 40” among litigation lawyers in the District of Columbia for 2016. Washington DC *SuperLawyers* Magazine selected me for inclusion among “Rising Stars” for my general litigation practice in 2014 and 2015, and among “SuperLawyers” each consecutive year from 2016 to the present. In 2019 and 2020, the Irish Legal 100 selected me for inclusion in their annual publication.

11. My firm (Clinton & Peed) regularly charges \$600 per hour for my time on hourly matters. This hourly rate is commensurate with my experience and credentials, consistent with the rates regularly charged by my firm, and in line with prevailing market rates for similarly situated attorneys in the District of Columbia legal market.

12. The entries for my time on Exhibit B are true and correct, and total 7.8 hours of work at an hourly rate of \$600.00, resulting in an individual Lodestar of \$4,680.00.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, formed after a reasonable inquiry under the circumstances.

Dated: December 2, 2022



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Timothy R. Clinton (Va. Bar No. 70902)